

CHAPTER 13

Water and Sewer

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ARTICLE 13-4

Water Regulations and Rates

Sec. 13-4-05. Definitions.

Unless the context specifically indicates otherwise, the meaning of the terms used in this Article shall be as follows:

(1) *Base rate category* means the beginning rate established for a nonresidential customer based upon their previous winter water usage.

(2) *Budget billing* means spreading the average water billing for a homeowner over a twelve-month period – from March through February – in twelve (12) equal payments. An application is required.

(3) *Commercial* means any structure used for business purposes, or which has three (3) or more dwelling units, and is served by only one (1) water meter.

(4) *Door-hanger* means written notification by the City posted on the front door of a residence or business within the City.

(5) *Mains* means the main pipes and connections forming a part of the City waterworks.

(6) *Monthly fixed charge* means a flat monthly fee charged on the water bill to cover a portion of the fixed overhead costs of operating and maintaining City waterworks. A portion of the fee may also be used to pay for debt retirement.

(7) *Multi-family* means any structure built for occupancy by more than one (1) family, used solely for residential purposes and served by only one (1) water meter.

(8) *Service line* means a line that runs from the City's water main to a penetration of a wall, floor or valve on a residence or business.

(9) *Single-family* means any structure built for occupancy by one (1) family, used solely for residential purposes and served by only one (1) water meter.

(10) *Tap* means the point of connection of a service line to the City's potable water distribution system.

(11) *Water meter pit* means a plastic, fiberglass or other structure planted in the ground to surround and protect a three-fourths-inch or one-inch water meter.

(12) *Water meter vault* means a concrete box planted in the ground to surround and protect a water meter one and one-half (1½) inches or larger in size.

(13) *Water plant investment fee* means a fee charged on a per-connection basis which is utilized to reimburse the City for its costs in providing water and water system improvements for the property for which the fee is assessed. The *water plant investment fee* is comprised of a *water system improvements fee* and a *water resource fee*.

(14) *Water resource fee* means that portion of the *water plant investment fee* which is utilized to recover the actual costs to the City of acquiring sufficient and satisfactory water rights to serve the property for which the fee is assessed, together with the fees and costs incurred by the City in association with obtaining any necessary administrative or judicial approval required in order to utilize such water rights in the City's water system, including engineering fees, attorney fees and court costs. At the sole discretion of the City, the *water resource fee* may be satisfied by conveyance to the City of sufficient specifically designated acceptable water shares which meet the standards and criteria established by the City, or the payment of cash in lieu thereof. Said determination shall occur either at the time of annexation or subdivision of real property, as the City deems appropriate, and shall be specifically addressed in the applicable annexation or development agreement for the subject real property. When the entity paying the fee provides acceptable water shares, the *water plant investment fee* is considered a "with water rights" fee; when the entity paying the fee provides cash in lieu of water shares, the *water plant investment fee* is considered a "without water rights" fee.

(15) *Water resource report* means a report which details where the raw water will come from in sufficient quantities to provide the required water demands for a new development which requires a water connection larger than two (2) inches.

(16) *Water system improvement fee* means that portion of the *water plant investment fee* which is utilized to reimburse the City for its costs in providing improvements to the City's water system, which improvements include, but are not limited to, well-field development, raw water transmission lines, water treatment, water storage, water pressure and/or treated water transmission lines.

(17) *Water tap fee* means the fee charged for the right to physically connect to a City water distribution line.

(18) *Water user* means any person receiving water from the City's waterworks system.

(19) *Water works system* means any structure or apparatus for the purpose of conveying water. (Ord. 1542 §2, 1998; Ord. 1566 §1, 1998; Ord. 1589, 1999; Ord. 1660 §1, 2000; Ord. 1727 §1, 2001; Ord. 1729 §1, 2002; Ord. 1748 §1, 2002)

Sec. 13-4-10. Supply; application required.

Any person desiring a supply of water from the City must make application at the office of the Director of Finance either in person or through a duly authorized licensed plumber. (Prior code §3-601; Ord. 886 §1(part), 1976; Ord. 1589, 1999)

Sec. 13-4-20. Connection work; authorization required.

(a) Except for those persons authorized by the City, all persons, including licensed plumbers, are prohibited from connecting water service to any property.

(b) Every attachment or connection with the City water system shall be made under authority of the Director of Public Works. (Prior code §3-617, 3-623; Ord. 886 §1(part), 1976; Ord. 1542 §1(part), 1998)

Sec. 13-4-30. Permit required for supply extension, alteration.

No person shall make any extensions or alterations for conducting water on or into any premises until he or she first obtains a written permit from the Public Works Department for each separate job in

accordance with standards required by this Code and the law of the State. (Prior code §3-616; Ord. 886 §1(part), 1976)

Sec. 13-4-40. Inspection of facilities.

The water service facilities required for service of water pursuant to this Article shall be subject to inspection by the director of public works or any other duly authorized officer at any and all reasonable times in accordance with the right of entry provisions of this code and in the event of refusal on the part of any licensee or user of water to permit such inspection, the water service may be thereupon discontinued. (Prior code §3-610; Ord. 886 §1(part), 1976; Ord. 1542 §1(part), 1998)

Sec. 13-4-50. Service discontinuance; notice required.

(a) Temporary discontinuance.

(1) Any property owner desiring to temporarily discontinue City water service must give personal written notice to the Director of Finance at least two (2) business days prior to the date the discontinuance shall commence. Said notice shall state the name of the owner, the address of the property, the date temporary discontinuance shall commence and end, and a telephone contact number. Temporary discontinuance of water service at any location within the City shall not exceed six (6) months.

(2) Discontinuance of such water service at any location within the City water operation shall be done pursuant to authority of the Director of Public Works. No water service shall be discontinued unless the property is not occupied and all outstanding water and sewer fees have been paid. During the period of temporary discontinued service, there shall be no water flow to the property for any purpose, nor shall there be any discharge to the sewer. Notwithstanding the temporary discontinuance, the owner shall be responsible for paying the applicable monthly fixed charges that will accrue.

(b) Permanent discontinuance.

(1) Any property owner desiring to permanently discontinue City water service must give personal written notice to the Director of Finance at least two (2) business days prior to the date the discontinuance shall commence. The notice shall state the name of the owner, the address of the property, the date permanent discontinuance shall commence, the reason permanent discontinuance is requested and a telephone contact number.

(2) The City may terminate water and/or sewer service and permanently disconnect the water and sewer service tap connection to any structure where the owner evidences in writing an intent to abandon the service connection. Selling the property to another is not sufficient evidence of intent to abandon.

(3) The City may terminate water and/or sewer service and permanently disconnect the water and sewer service tap connection to any structure where water and/or sewer service has not been used for a period of five (5) consecutive years, which nonuse shall be evidence of an intent to abandon.

(4) Prior to a final determination by the City that a water and/or sewer service connection is abandoned by the owner, the owner shall be provided a hearing before the Director of Public Works, at the owner's request. The Director of Public Works may determine, based upon the evidence presented at such hearing, whether a water and/or sewer service connection should be terminated. The

determination of the Director of Public Works shall be final. All fees and applicable monthly fixed charges shall continue to accrue unless and until a final determination of abandonment is made.

(c) Unless there is a separate written agreement to the contrary, any application for an enlargement in service, change in use classification or reactivation of discontinued service shall constitute a new connection, and all applicable water rights dedication and associated fees, water and sewer tap fees and any other applicable fees and charges shall be assessed. (Prior code §3-603; Ord. 886 §1(part), 1976; Ord. 1542 §1(part), 1998; Ord. 1660 §2, 2000)

Sec. 13-4-60. Stopcock required.

The owner or lessee of any service pipes connected with the City water system shall hereafter keep or cause to be kept inside the structure on the premises a stopcock for use in connection with such pipes. (Prior code §3-609; Ord. 886 §1(part), 1976; Ord. 1589, 1999)

Sec. 13-4-70. Meter bypass prohibited.

It is unlawful for any person to make a connection on a water service line between the water meter and the street main or to install a bypass around the water meter without proper authorization from the Director of Public Works. (Prior code §3-619; Ord. 886 §1(part), 1976; Ord. 1542 §1(part), 1998)

Sec. 13-4-80. Prohibited acts by plumbers.

(a) No plumber shall allow his or her name to be used by any person for the purpose of obtaining permits or doing any other work under a license from the City.

(b) No plumber shall use or allow any other person to use a plumber's key or other tool for connecting or disconnecting any water supply from the City water main without proper authorization from the Director of Public Works. It is recognized herein that such authority has been given by the Director of Public Works in cases where the water supply must be connected and reconnected in the City water mains for the purpose of repairs in case of leakage or bursting of such mains or pipes. (Prior code §3-620; Ord. 886 §1(part), 1976; Ord. 1542 §1(part), 1998; Ord. 1589, 1999)

Sec. 13-4-90. Water plant investment fee schedule.

(a) Whenever a person, firm or corporation makes application for a permit to use City water for property located within the City limits, a water plant investment fee shall be charged the applicant in accordance with a schedule of fees to be set by ordinance duly adopted by the City Council after review of such fee schedule as the City Council from time to time deems necessary.

(b) Water tap fees, previously accepted mains: the City will make all taps up to two-inch connections. Taps larger than two (2) inches will be made by the contractor under City supervision. The contractor will supply all materials, except curb stops, needed for all sizes of taps and make the excavation to the City water main. If a meter pit or vault is required, the contractor will install the meter pit or vault according to City specifications. The fees for all City-made taps will be as follows:

Three-quarter-inch connection	\$ 66.00
One-inch connection	75.00
One-and-one-half-inch connection	138.00
Two-inch connection	154.00

(c) Water meter pits or vaults are to be provided and installed by the contractor.

(d) Water meters are required on all water taps and must be purchased with the building permit. The City installs all three-quarter-inch and one-inch meters. There is no charge for installation. The charge for individual meters purchased from the City shall be as follows:

Three-quarter-inch meter	\$118.00
One-inch meter	140.00
One-and-one-half-inch meter	263.00
Two-inch meter	348.00
Three-inch meter	605.00
Four-inch meter	977.00
Over four-inch connection shall be paid by applicant; the rate shall be determined by the City	

(e) The water plant investment fees shall be as follows:

(1) Single-family, including paired homes, duplexes and single-owner townhouses or condominiums with no organized homeowners' association; commercial; industrial; and other uses not specifically delineated herein:

a. Three-quarter-inch connection:

With water rights	\$ 8,700.00
Without water rights	14,000.00

b. One-inch connection:

With water rights	\$14,502.00
Without water rights	23,354.00

c. One-and-one-half-inch connection:

With water rights	\$29,002.00
Without water rights	46,708.00

d. Two-inch connection:

With water rights	\$46,404.00
Without water rights	74,734.00

e. Three-inch connection:

With water rights	\$ 92,808.00
Without water rights	149,468.00

f. Four-inch connection:

With water rights	\$159,514.00
Without water rights	256,898.00

(2) Multi-family dwellings, including single-owner triplexes and apartment buildings; and townhouses or condominiums with an organized homeowners' association:

a. With water rights:

First living unit	\$8,700.00
Each additional unit within building	3,862.00

b. Without water rights:

First living unit	\$14,000.00
Each additional unit within building	6,215.00

(3) Mobile home parks - per user unit:

With water rights	\$ 8,700.00
Without water rights	14,000.00

(4) A water resource fee of seventeen thousand dollars (\$17,000.00) per acre-foot is required for public land donations when the development is paying the water plant investment fees under the "without water rights" schedule. The requirement will be calculated according to the then-applicable "water dedication worksheets" prepared by the Department of Public Works. The developer will make all taps in new construction, and shall pay a twenty-five-dollar inspection fee for each tap. If the inspection reveals deficiencies in the installation of a new water meter by the water user or a plumber, the inspector shall provide to the water user a written notice of those deficiencies. If the Water Department has to return to a site for an installation inspection more than two (2) times after the written notice of deficiencies, the water user shall pay fifty dollars (\$50.00) for each additional inspection until the deficiencies are cured.

(5) For any connection greater than two (2) inches and for all industrial users, the owner shall provide to the City an acceptable Water Resource Report authored by a registered professional engineer experienced in water resources in addition to payment of the water plant investment fee.

(f) Water tap fees, previously accepted mains: The City will make all taps up to two-inch connections. Taps larger than two (2) inches will be made by the contractor under City supervision. The contractor will supply all materials, except curb stops, needed for all sizes of taps and make the excavation to the City water main. If a meter pit or vault is required, the contractor will install the meter pit or vault according to City specifications. The fees for all City-made taps will be as follows:

Three-quarter-inch connection	\$66.00
One-inch connection	75.00
One-and-one-half-inch connection	138.00
Two-inch connection	154.00

(g) Water meter pits or vaults are to be provided and installed by the contractor.

(h) Water meters are required on all water taps and must be purchased with the building permit. The City installs all three-quarter-inch and one-inch meters. There is no charge for installation. The charge for individual meters purchased from the City shall be as follows:

Three-quarter-inch meter	\$118.00
One-inch meter	140.00
One-and-one-half-inch meter	263.00
Two-inch meter	348.00
Three-inch meter	605.00
Four-inch meter	977.00

Over four-inch connection shall be paid by applicant; the rate shall be determined by the City
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(i) No connection to the City waterworks system shall be made unless all charges and assessments therefor are paid in full in advance of the connection. (Prior code §3-608; Ord. 886 §1(part), 1976; Ord. 923 §1, 1977; Ord. 1020 §1, 1980; Ord. 1043 §1, 1980; Ord. 1542 §3, 1998; Ord. 1589, 1999; Ord. 1601 §1, 1999; Ord. 1660 §3, 2000; Ord. 1727 §2, 2001; Ord. 1729 §2, 2002; Ord. 1766 §1, 2003; Ord. 1788 §1, 2003; Ord. 1810 §1, 2004)

Sec. 13-4-100. Disconnection and reconnection fees.

There shall be assessed a fee of seven dollars and fifty cents (\$7.50) for the City disconnecting water service and seven dollars and fifty cents (\$7.50) for the City reconnecting water service if such action becomes necessary as a result of nonpayment of a water bill or repair or maintenance of the service line from the stop box on private property; provided that such fee shall be increased to eleven dollars and fifty cents (\$11.50) if such action is taken by the City during hours other than 8:00 a.m. to 5:00 p.m., any day of the week. (Prior code §3-615(4); Ord. 886 §1(part), 1976; Ord. 1542 §4, 1998)

Sec. 13-4-110. Payment of charges; lien.

The owner of property served with City water shall be responsible for all water used and payment of charges for service supplied by the City. However, payments therefor shall be accepted by the City from tenants on such property. All unpaid accounts for water and all other service assessments, including installation assessments authorized in this Article, shall constitute a perpetual lien against the property served and shall be collectible in the manner provided for collection of general property taxes. (Ord. 1020 §2, 1980)

Sec. 13-4-120. Delinquent payments; discontinuance of service.

(a) The City shall bill all users in accordance with the monthly water service charges as provided in this Article. The billing shall be prepared and forwarded on a monthly basis. Should any user refuse or neglect to pay any monthly bill on or before twenty (20) days following the date of such billing, the user shall be considered delinquent, and service to the user shall be discontinued.

(b) It shall be the duty of the Director of Finance to notify the Director of Public Works of those persons who are delinquent, and it shall then be the duty of the Director of Public Works to discontinue the supply of water for such delinquent user.

(c) An administrative fee of five dollars (\$5.00) will be charged to establish a new utility billing account.

(d) If the bill is not paid within thirty (30) calendar days after mailing, written notice will be sent to the user giving an additional eight (8) calendar days to pay before service is discontinued.

(e) If payment or arrangement for payment is not received within the eight (8) days after the notice of discontinuance of service is mailed, a door-hanger will be posted on the user's door, giving an additional forty-eight (48) hours to pay or make arrangements to pay. A ten-dollar charge will be assessed to those persons notified by a door-hanger.

(f) Once service has been discontinued for nonpayment, a thirty-dollar fee will be charged and paid with the total bill before service is reconnected. These fees will be paid only in cash or by money order or

credit card. (Prior code §3-602; Ord. 886 §1(part), 1976; Ord. 925 §1, 1977; Ord. 1542 §§1, 5(part), 1998; Ord. 1660 §4, 2000)

Sec. 13-4-130. Charges; monthly water service; schedule.

All water rate charges for use of water in the City shall be assessed pursuant to a schedule of fees to be set by ordinance duly adopted by City Council after review of such fee schedule as the City Council from time to time deems necessary. The following shall be the schedule of monthly water service rates for the use of water in the City on a metered rate basis.

(1) Residential, commercial, municipal potable, municipal nonpotable, industrial, private fire, bulk and schools monthly fixed charge by meter size. The following monthly fixed charge shall be billed to all water accounts, whether there is water usage or not:

Three-quarter-inch meter	\$4.54
One-inch meter	5.36
One-and-one-half-inch meter	6.48
Two-inch meter	9.54
Three-inch meter	32.08
Four-inch meter	40.44
Six-inch meter	59.93
Eight-inch meter	82.21
Private fire	4.23

(2) Residential and residential irrigation volume-based water rates monthly charge per one thousand (1,000) gallons of usage. The monthly volume-based charge will be added to the monthly fixed charge as stated in Subsection (1) above. The monthly volume-based water rates shall be as follows:

a. The monthly volume-based water rates shall be as follows for all water usage from zero (0) gallons up to and including twenty-five thousand (25,000) gallons:

Residential	\$3.51
Irrigation — residential only	3.51

b. The monthly volume-based water rates shall be as follows for all water usage from twenty-six thousand (26,000) gallons up to and including thirty thousand (30,000) gallons:

Residential	\$3.85
Irrigation — residential only	3.85

c. The monthly volume-based water rates shall be as follows for all water usage from thirty-one thousand (31,000) gallons up to and including thirty-five thousand (35,000) gallons:

Residential	\$4.03
Irrigation — residential only	4.03

d. The monthly volume-based water rates shall be as follows for all water usage from thirty-six thousand (36,000) gallons up to and including forty thousand (40,000) gallons:

Residential	\$4.38
Irrigation — residential only	4.38

e. The monthly volume-based water rates shall be as follows for all water usage over forty thousand (40,000) gallons:

Residential	\$4.74
Irrigation — residential only	4.74

(3) Residential senior citizen and permanently disabled discount. Any resident of the City over the age of sixty (60) years or any permanently disabled resident of the City may apply for a discount on his or her water bill. To be eligible, the applicant must certify on forms provided by the City that the water account is for his or her principal residence, and he or she is either over sixty (60) years of age or permanently disabled. Any applicant who provides false or misleading information on the forms is subject to a one-hundred-dollar penalty that shall be assessed against his or her utility account. The monthly fixed charge for water shall be four dollars and fifty-four cents (\$4.54) plus a volume-based monthly rate of one dollar and twenty-eight cents (\$1.28) per one thousand (1,000) gallons of usage for the first five thousand (5,000) gallons of usage, then three dollars and fifty-one cents (\$3.51) per one thousand (1,000) gallons of usage up to and including twenty-five thousand (25,000) gallons, then three dollars and eighty-five cents (\$3.85) per one thousand (1,000) gallons for twenty-six thousand (26,000) gallons up to and including thirty thousand (30,000) gallons, then four dollars and three cents (\$4.03) per one thousand (1,000) gallons of usage for thirty-one thousand (31,000) gallons up to and including thirty-five thousand (35,000) gallons, then four dollars and thirty-eight cents (\$4.38) per one thousand (1,000) gallons of usage for thirty-six thousand (36,000) gallons up to and including forty thousand (40,000) gallons, then four dollars and seventy-four (\$4.74) per one thousand (1,000) gallons of usage for all usage over forty thousand (40,000) gallons.

(4) Budget billing. Any homeowner in the City who has timely paid his or her water bill for the prior twelve (12) months may be eligible for budget billing, as defined herein. Homeowners may apply for budget billing on forms provided by the City. New homeowners may apply for budget billing based upon previous annual average consumption at that address. Each year, in March, the next year's budget billing amount shall be computed; any underpayment shall be billed to the homeowner and any overpayment shall be credited to the homeowner.

(5) Commercial, municipal potable, private fire, bulk and nonpotable irrigation volume-based water rates monthly charge per one thousand (1,000) gallons of usage: the monthly volume-based charge will be added to the monthly fixed charge as stated in Subsection (1) above.

a. The monthly volume-based water rates shall be as follows for all base rate categories:

Commercial	\$3.62
Municipal potable	4.08
Private fire (there is no charge for water for fire protection purposes)	0.00
Bulk	4.08
Nonpotable irrigation	2.18

b. The monthly volume-based water rates shall be as follows for all water usage from one hundred one percent (101%) up to and including one hundred ten percent (110%) above the base rate category:

Commercial	\$4.00
Municipal potable	4.49
Private fire (there is no charge for water for fire protection purposes)	0.00
Bulk	4.49
Nonpotable irrigation	2.40

c. The monthly volume-based water rates shall be as follows for all water usage from one hundred eleven percent (111%) up to and including one hundred fifteen percent (115%) above the base rate category:

Commercial	\$4.17
Municipal potable	4.69
Private fire (there is no charge for water for fire protection purposes)	0.00
Bulk	4.69
Nonpotable irrigation	2.51

d. The monthly volume-based water rates shall be as follows for all water usage from one hundred sixteen percent (116%) up to and including one hundred twenty-five percent (125%) above the base rate category:

Commercial	\$4.53
Municipal potable	5.10
Private fire (there is no charge for water for fire protection purposes)	0.00
Bulk	5.10
Nonpotable irrigation	2.73

e. The monthly volume-based water rates shall be as follows for all water usage from one hundred twenty-six percent (126%) and above the base rate category:

Commercial	\$4.89
Municipal potable	5.51
Private fire (there is no charge for water for fire protection purposes)	0.00
Bulk	5.51
Nonpotable irrigation	2.95

(6) Schools and commercial irrigation accounts with a separate tap volume-based water rates monthly charge per one thousand (1,000) gallons of usage: the monthly volume-based charge will be added to the monthly fixed charge as stated in Subsection (1) above.

a. The monthly volume-based water rates shall be as follows for all base rate categories:

Schools	\$3.62
Commercial irrigation - separate tap: 0 to 500,000 gallons 500,000 gallons and above	4.675.15

(Ord. 1044 §1(part), 1980; Ord. 1542 §5(part), 1998; Ord. 1556 §1, 1998; Ord. 1566 §2, 1998; Ord. 1611 §1, 1999; Ord. 1660 §5, 2000; Ord. 1702 §1, 2001; Ord. 1729 §3, 2002; Ord. 1748 §2, 2002; Ord. 1766 §2, 2003; Ord. 1811 §1, 2004)

Sec. 13-4-140. Service outside the City.

Any existing water service outside the City limits is hereby approved. Monthly water rates for existing service shall be double the rate for service within the City. No new service outside the City limits will be provided. (Ord. 1044 §1(part), 1980; Ord. 1542 §5(part), 1998)

Sec. 13-4-150. Charges during building construction.

Water and sewer billing begins when the water meter is installed. A water meter must be installed prior to the installation of outside seeding, sodding or other live landscaping. An amount of seventy-five dollars (\$75.00) will be charged at the time a building permit is issued to pay for water used during the construction period. (Ord. 1044 §1(part), 1980; Ord. 1542 §5(part), 1998; Ord. 1660 §5, 2000)

Sec. 13-4-160. User to report changes affecting rate.

It is the duty of users of water pursuant to this Article, in the event of any change of the structure or apparatus or appliance which affects the water rate, to immediately notify the director of finance. The refusal or failure of any water user to so notify the director of finance shall constitute a basis for discontinuance of water service until the proper water rate is determined and paid to the City. (Prior code §3-614; Ord. 886 §1(part), 1976)

Sec. 13-4-170. Unauthorized use of fire hydrants prohibited.

(a) No water shall be used from fire hydrants of the City except by a duly organized fire-fighting authority acting within the scope of its authority; provided, however, that the Director of Public Works may permit the use of fire hydrants when necessary for testing the condition of the waterworks, purifying the water, repairing such waterworks, flushing of materials from the streets and sidewalks and at such other times as the Director of Public Works deems such use as being in the best interests of the City.

(b) A deposit of one thousand dollars (\$1,000.00) shall be required for use of a fire hydrant water meter. The fee for water usage from said hydrant meter will be billed separately at the bulk water rate as stated in Section 13-4-130(2)g. The deposit will be refunded upon return of the meter, and after deduction for any damages. (Prior code §3-612; Ord. 886 §1(part), 1976; Ord. 1542 §§1, 6, 1998; Ord. 1660 §6, 2000)

Sec. 13-4-180. Irrigation requirements and restrictions.

(a) Irrigation of lawns shall be done only during the time prescribed by resolution of City Council and only by a hose to which shall be attached a sprinkler or nozzle or through a properly installed lawn irrigation system.

(b) It is unlawful to use water from the City water system for the purpose of irrigation of lawns without such a sprinkler nozzle or duly installed lawn irrigation system.

(c) A finding by a duly authorized representative of the City of improper irrigation of a lawn as provided for in this Section or of irrigation of a lawn during unauthorized hours as prescribed by resolution of the City Council shall constitute presumptive evidence of a violation of this Section by the

head of the household occupying the premises where such violation is found to occur. (Prior code §3-621; Ord. 886 §1(part), 1976)

Sec. 13-4-190. Wasting water; unauthorized connections.

It is unlawful for any person to allow water to run from any hydrant, tap or other water fixture when not in necessary use or to allow water to run from any water fixture in order to prevent freezing. The provisions of this Section shall be deemed to include a prohibition against permitting or allowing water to run unnecessarily from any water fixture, hose, hydrant, faucet, appliance or apparatus in any manner through neglect or by reason of faulty plumbing fixtures. (Prior code §3-606; Ord. 886 §1(part), 1976)

Sec. 13-4-200. Unmetered service use; liability.

(a) All consumers authorized as users of City water but not supplied by a meter are prohibited from furnishing or allowing any person to take water from a faucet, hydrant or other water connection for use at another location unless such party has a special permit from the Director of Utilities. The owner or occupant of such premises shall be liable for the payment of such water furnished or taken; and until payment therefor is received by the City, the water service shall be discontinued as provided in Section 13-4-50.

(b) It is unlawful for any person without proper authority from the City to use water from any part of the City water system, open any fire plug, stopcock, valve or other fixture pertaining to the City water works or connect water from such mains or pipes or disconnect water from such mains or pipes. In this regard, the disconnecting and reconnecting of a water supply from the City water mains shall in all cases be done under the direction of the Director of Utilities or by some person expressly authorized by him or her. (Prior code §3-605; Ord. 886 §1(part), 1976)

Sec. 13-4-210. Damaging or impairing water system.

It is unlawful for any person to injure, deface, impair, damage or interfere with any part of the water works system, except pursuant to lawful authority, including tampering with the water meter. If the Water Department finds that the meter head has been removed causing the water meter not to record usage, the water account will be charged fifty dollars (\$50.00) for each such occurrence. (Prior code §3-611; Ord. 886 §1(part), 1976; Ord. 1660 §6, 2000)

Sec. 13-4-220. Service line repair and replacement; costs.

(a) Whenever a break or leak occurs in a water service line, the owner or other person in charge of the property receiving water service where the break or leak occurs shall have the same repaired or replaced immediately.

(b) A *water service line* is defined as a line that runs from the City's water main to a penetration of a wall, floor or valve on a residence or business.

(c) If the water meter is located outside the structure, the owner is responsible for repair of the line from the structure to the water meter or curb stop. If the water meter is in the dwelling, then the owner is responsible for repair of the line from the meter to the curb stop.

(d) After notice by the City, if the water service line is repaired within two (2) weeks, the water charge for that month will be prorated based upon the historical usage for that property. If the line is not repaired within two (2) weeks, the owner will be assessed the full charge for the water used.

(e) The fees provided for in this Section, until paid, shall constitute a lien against the property as are general property taxes. Furthermore, any failure to pay said fees shall constitute a basis for discontinuance of water service until payment in full is received by the City. (Prior code §3-607; Ord. 905 §1, 1976; Ord. 1542 §7, 1998; Ord. 1589, 1999)

Sec. 13-4-225. Procedure for replacing meter.

Any customer may request that a water meter be replaced at no charge. If the customer requests replacement of the water meter more often than once in a six-month period, the customer's account shall be assessed a fee of twenty-five dollars (\$25.00). (Ord. 1660 §7, 2000)

Sec. 13-4-230. Stop box and stopcock maintenance.

(a) The stop box and stopcock or shutoff at the private property line shall be kept free from dirt and other obstacles that would interfere with the disconnecting of water service.

(b) The City shall charge a fee based upon actual costs of time and materials in the event the City is required to perform maintenance on any water system as a result of any failure by a water user to comply with the provisions of this Section. (Prior code §3-618; Ord. 886 §1(part), 1976)

Sec. 13-4-240. Service discontinuance.

The Director of Utilities reserves the right to cause the use of water to be discontinued from the street mains when deemed necessary for repairing the mains or City waterworks, making connections or extensions to the same or for the purpose of cleaning the same. (Prior code §3-613; Ord. 886 §1(part), 1976)

ARTICLE 13-6

Appropriation of Nontributary Groundwater

Sec. 13-6-10. Obligation of City to supply water; exception.

The obligation of the City to provide public water service to the inhabitants and landowners within the City is hereby confirmed, subject, however, to the right of the City Council to limit or restrict such water supply as deemed necessary in the sole discretion of the City Council when there is a shortage or a limitation upon the availability of such water supply to the City, and subject further to agreement between the City and any inhabitant or landowner in the City to restrict, defer, limit, reduce or eliminate the need for any such public water supply to any such inhabitant or landowner in the City. (Ord. 1194 §1(part), 1985; Ord. 1589, 1999)

Sec. 13-6-20. Appropriation of nontributary groundwater.

Pursuant to Section 37-90-103(8), C.R.S., the City hereby incorporates all groundwater into its municipal service plan from the following aquifers that underlie and/or contribute water to all or any portion of the land encompassed within the boundaries of the City, as they existed on January 1, 1985: Dawson, Denver, Arapahoe, Laramie-Fox Hills and Dakota Aquifers, with the exception of the following described property: That part of the Northeast one-quarter of Section 12, Township 1 South, Range 67 West of the 6th Principal Meridian, Adams County, Colorado, described as: Beginning at the east one-quarter corner of said Section 12; thence N89°55'30"W on an assumed bearing along the south line of

said northeast one-quarter Section 12 a distance of 1021.0 feet; thence N00°00'30"E a distance of 475.00 feet to the true point of beginning; thence S89°39'30" a distance of 374.0 feet; thence N00°44'30"W a distance of 845.0 feet to a point on the north line of the south one-half said northeast one-quarter; thence N86°56'30"E along said north line a distance of 386.12 feet; thence S34°02'00"E a distance of 50.26 feet; thence S03°11'00"E a distance of 112.86 feet; thence S14°15'56"W a distance of 81.50 feet; thence S02°34'30"W a distance of 344.18 feet; thence S00°00'30"W a distance of 265.94 feet to the true point of beginning. Contains 7.559 acres more or less. (Ord. 1194 §1(part), 1985)

Sec. 13-6-30. Consent to groundwater appropriation.

Upon the effective date of the ordinance codified in this Article, the owners of all land which overlies such groundwater hereby appropriated shall be deemed to have consented to the withdrawal by the City of all such groundwater unless such consent shall be deemed to have been withheld as otherwise provided by law as set forth in Section 37-90-103(8), C.R.S. Consent for the following described property is deemed withheld: That part of the northeast one-quarter of Section 12, Township 1 South, Range 67 West of the 6th Principal Meridian, Adams County, Colorado, described as: Beginning at the east one-quarter corner of said Section 12; thence N89°55'30"W on an assumed bearing along the South line of said Northeast one-quarter Section 12 a distance of 1021.0 feet; thence N00°00'30"E a distance of 475.00 feet to the true point of beginning; thence S89°39'30"W a distance of 374.0 feet; thence N00°44'30" distance of 845.00 feet to a point on the north line of the south one-half said northeast one-quarter; thence N89°56'30"E along said north line a distance of 386.12 feet; thence S34°02'00"E a distance of 50.26 feet; thence S03°11'00"E a distance of 112.86 feet; thence S14°15'56"W a distance of 81.50 feet; thence S02°34'30"W a distance of 344.18 feet; thence S00°00'30"W a distance of 265.94 feet to the true point of beginning. Contains 7.559 acres more or less. (Ord. 1194 §1(part), 1985)

Sec. 13-6-40. Filing of land area map.

Upon the effective date of the ordinance codified in this Article, the City Manager is directed to file with the State Engineer a detailed map of the land area as to which consent to such groundwater appropriation is deemed to have been given. (Ord. 1194 §1(part), 1985)

ARTICLE 13-8

Water and Sewer Main Extensions and Installations

Sec. 13-8-10. Requirements generally; Council approval.

The extension and installation of all water and sewer mains shall be pursuant to specific approval of the City Council. All such extensions shall be installed by the landowner or developer at his or her own expense with no contribution by the City unless otherwise specifically agreed to by contract between the City and the landowner or developer. (Prior code §3-801; Ord. 882 §1, 1976)

Sec. 13-8-20. Contract, application and deposit; installation and maintenance.

(a) The City shall contract for the installation and construction of all water and sewer mains and lines located on City property unless otherwise agreed. The landowner or developer shall deposit with the City an amount equal to the estimated cost of the main extensions applied for, which deposit shall include all usual and related costs of installation and construction including right-of-way. All engineering services shall be provided at the cost of the landowner or developer. Thereafter, the City shall advertise

for bids and let a contract for the proposed construction to the lowest bidder in accordance with state statutes, and in accordance with the specifications of the City.

(b) Once the contract price is determined by a competitive bid, any excess amount deposited shall be returned upon completion and acceptance of the main by the City, and if the deposit is deficient then the landowner or developer shall deposit additional funds sufficient to pay the contract prior to letting of the contract.

(c) The landowner or developer shall install mains to the farthest point or points of his or her tract or developments, and in all cases to the property lines. Upon the completion of the installation and upon acceptance by the City, any such main extension shall become the unqualified and sole property of the City and the City shall be responsible for the maintenance and repair of such mains from the date of acceptance. (Prior code §3-802)

Sec. 13-8-30. Landowner or developer reimbursed; utility main extension agreement.

(a) When a landowner or developer finds it necessary to bring utility services from the existing systems through vacant property or property owned by persons unwilling to cooperate and participate in the cost of extension, or where it is necessary to construct lines on the perimeter of an area or subdivision, the landowner or developer desiring the extension shall pay the entire cost of the original construction. At the time the property abutting such mains is developed and connections are made to such mains, the City may collect, in addition to the City's existing tap fee, an extension tap fee based on a charge per front foot based on the original construction cost and if so collected shall reimburse the original landowner or developer who constructed the main at his or her cost to the extent of the collection so made. In no event shall the actual amount so paid to the landowner or developer by adjoining landowners through collection by the City exceed the original cost of the extension.

(b) The landowner or developer's right to reimburse hereunder shall in no event exceed a period of ten (10) years from the date of final completion of the mains and all payments shall cease at that time, regardless of the amount that has been received by the landowner or developer at that time.

(c) A utility main extension agreement shall be entered into between the landowner or developer and the City, providing for such reimbursement payment and construction of all main extensions. (Prior code §3-803(part))

Sec. 13-8-40. Extension tap fees; computation and payment.

Extension tap fees on such mains, as provided in Section 13-8-30 in this Article, shall be computed on the basis of the ratio of frontage of such constructed mains to the entire frontage served by such mains on a per-foot-of-frontage-cost basis. In computing the cost of an extension tap fee hereunder, all property fronting on the street or right-of-way wherein such main is installed shall be considered in arriving at the cost of any particular tap. Upon completion of any such mains, the City shall file a certified statement of all costs of construction of such mains. Such cost figures as are determined proper by the City shall be used in computing the tap fees. No connection shall be permitted unless the proper extension tap fee and City tap fee have been paid. (Prior code §3-803(part))

Sec. 13-8-50. Size of mains determined by City.

The size of any water and sewer main required to serve any part of the City shall be determined by the City based upon engineering analysis by the City in accordance with all proposed developments. No

water main less than six (6) inches in diameter shall be installed and no sewer main less than eight (8) inches shall be installed. (Prior code §3-804)

Sec. 13-8-60. Separate service lines required.

Each property and each separate structure or use shall be served by its own service line and no connection shall be made to City utilities by extending the service line from one (1) property, structure or use to another property, structure or use. All service lines shall be individually connected to the main. (Prior code §3-805)

Sec. 13-8-70. Oversized mains.

The City may participate in the cost of the installation of mains that are deemed oversized at the request of the City, depending upon all attendant circumstances and provided that any such participation must be approved by the City Council. (Prior code §3-806)

Sec. 13-8-80. Installation of water meter pit and yoke.

(a) The City shall install a water meter pit and yoke whenever a water service line in the City is replaced or repaired on premises where a water meter pit and yoke have not heretofore been installed.

(b) The cost of such installation shall be billed to the owner of the premises where such work is performed in an amount equal to cost to the City for materials used in such work and excluding the cost of any labor incurred therein. (Ord. 984 §1, 1978)

ARTICLE 13-12

Sewer Use Regulations

Division 1. Definitions

Sec. 13-12-10. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

(1) *Biochemical oxygen demand (BOD)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20) Centigrade, expressed in milligrams per liter.

(2) *Building drain* means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(3) *Building sewer* means the extension from the building drain to the public sewer or other place of disposal, also called house connection.

(4) *Combined sewer* means a sewer intended to receive both wastewater and storm or surface water.

(5) *Commercial* means any structure used for business purposes, or which has three (3) or more dwelling units, and is served by only one (1) water meter.

(6) *Easement* means an acquired legal right for specific use of land owned by others.

(7) *Floatable oil* means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

(8) *Garbage* means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

(9) *Industrial wastes* means the wastewater from industrial processes, trade or business as from domestic or sanitary wastes.

(10) *Interference* means a discharge which alone, or in conjunction with a discharge or discharges from other sources, both:

a. Inhibits or disrupts the wastewater treatment works, its treatment processes or operations or its sludge processes, use or disposal; and

b. Therefore is a cause of a violation of the City's permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with applicable federal laws and regulations, or more stringent state or local laws or regulations.

(11) *May* is permissive (see *shall*).

(12) *National Categorical Pretreatment Standard* means a pollutant discharge limit or other requirement promulgated by the United States Environmental Protection Agency in accordance with Section 307(b) and (c) of the Clean Water Act (33 U.S.C. 1317) which applies to a specific category of industrial users. These standards are published in the Code of Federal Regulations at 40 CFR 405 et seq.

(13) *Natural outlet* means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.

(14) *Pass-through* means an indirect discharge which exits the wastewater treatment works into waters of the State in quantities or concentrations which, alone or in conjunction with an indirect discharge or indirect discharges from other sources, is a cause of a violation of any requirement of the City's permit (including an increase in the magnitude or duration of a violation).

(15) *Person* means any individual, firm, company, association, society, corporation or group.

(16) *pH* means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10^{-7} .

(17) *Pollutant* means dredged spoils, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive

materials, heat, wrecked or discarded equipment, rock sand, cellar dirt, municipal, agricultural and industrial wastes and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COS, toxicity or odor).

(18) *Properly shredded garbage* means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch (1.27 centimeters) in any dimension.

(19) *Public sewer* means a common sewer controlled by a governmental agency or public utility.

(20) *Sanitary sewer* means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

(21) *Sewage* is the spent water of a community. The preferred term is *wastewater*.

(22) *Sewer* means a pipe or conduit that carries wastewater or drainage water.

(23) *Shall* is mandatory (see *may*).

(24) *Significant industrial user* means:

a. A discharger subject to national categorical pretreatment standards; or

b. A discharger that:

1. Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the wastewater treatment works (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

2. Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the wastewater treatment plant;

3. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the wastewater treatment plant's operation or for violating any pretreatment standard or requirement.

c. Upon a finding that a discharger meeting the criteria in Subsection 2 above has no reasonable potential for adversely affecting the wastewater treatment plant's operation or for violating any pretreatment standard or requirement, the City may, at any time, on its own initiative or in response to a petition received from a discharger, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such discharger should not be considered a significant industrial user.

(25) *Slug* shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

(26) *Storm drain*, sometimes termed *storm sewer*, means a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

(27) *Supervisor* means the supervisor of wastewater facilities of the City or his or her authorized deputy, agent or representative.

(28) *Suspended solids* means total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater," and referred to as nonfilterable residue.

(29) *Unpolluted water* means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

(30) *User* means a source of the discharge of pollutants into the wastewater facilities from any nondomestic source regulated under Section 307(b), (c) or (d) of the Clean Water Act, 33 U.S.C. §1251 et seq.

(31) *Wastewater* means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present.

(32) *Wastewater facilities* means the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

(33) *Wastewater impact report* means a report which details the impact a new development will have on the City's wastewater treatment plant - both quantity of discharge and composition of discharge.

(34) *Wastewater plant investment fee* means a fee charged on a per unit basis in order to reimburse the City for its cost in providing wastewater facilities to serve the property for which the fee is assessed, including meeting the appropriate governmental regulatory agency requirements.

(35) *Wastewater tap* means the point of connection of a service line to the City's wastewater collection system.

(36) *Wastewater tap fee* means the fee charged for the right to physically connect to a wastewater collection line.

(37) *Wastewater treatment works* means an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with *waste treatment plant*, *wastewater treatment plant* or *water pollution control plant*.

(38) *Watercourse* means a natural or artificial channel for the passage of water, either continuously or intermittently. (Ord. 1271 Art. I, 1987; Ord. 1542 §8, 1998; Ord. 1566 §3, 1998; Ord. 1735 §1, 2002)

Division 2. Use of Public Sewers Required

Sec. 13-12-20. Unsanitary disposal prohibited.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste. (Ord. 1271 Art. II §1, 1987)

Sec. 13-12-30. Treatment of discharge.

It is unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article. (Ord. 1271 Art. II §2, 1987)

Sec. 13-12-40. Privies, septic tanks and cesspools prohibited.

It is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater, unless approved by the Director of Public Works. (Ord. 1271 Art. II §3, 1987; Ord. 1660 §8, 2000)

Sec. 13-12-50. Connection to public sewer.

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, are required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article, within ninety (90) days after date of official notice to do so, provided that the public sewer is within one hundred (100) feet of the property line, unless otherwise approved by the Director of Public Works. No owner shall connect a combined sewer to City sewer mains. (Ord. 1271 Art. II §4, 1987; Ord. 1660 §8, 2000)

Division 3. Sanitary Sewers, Building Sewers and Connections

Sec. 13-12-60. Building sewer permit required.

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Department of Public Works. (Ord. 1271 Art. III §1, 1987; Ord. 1735 §2, 2002)

Sec. 13-12-70. Building sewer permit types; application; fee.

There shall be two (2) classes of building sewer permits: (a) for residential and commercial service; and (b) for service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Supervisor. A permit and inspection fee of twenty dollars (\$20.00) for a residential or commercial building sewer permit and twenty dollars (\$20.00) for an industrial building sewer permit shall be paid to the City at the time the application is filed. (Ord. 1271 Art. III §2, 1987; Ord. 1735 §2, 2002)

Sec. 13-12-80. Costs borne by owner; indemnification of City.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 1271 Art. III §3, 1987)

Sec. 13-12-90. Construction standards.

The size, slope, alignment, materials or construction of all sanitary sewers, including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the City and the State. In the absence of suitable Code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply. (Ord. 1271 Art. III §6, 1987)

Sec. 13-12-100. Surface runoff or groundwater connections prohibited.

No person shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved in writing by the Department of Public Works for purposes of disposal of polluted surface drainage. (Ord. 1271 Art. III §8, 1987; Ord. 1735 §2, 2002)

Sec. 13-12-110. Separate sewers for buildings.

A separate and independent building and sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear through adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer, but the City does not and will not assume any obligation or responsibility for damages caused by or resulting from any such single connection aforementioned. (Ord. 1271 Art. III §4, 1987)

Sec. 13-12-120. Old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Supervisor, to meet all requirements of this Article. (Ord. 1271 Art. III §5, 1987; Ord. 1735 §2, 2002)

Sec. 13-12-130. Construction standards.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the City and the State, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Department of Public Works before installation. (Ord. 1271 Art. III §9, 1987; Ord. 1735 §2, 2002)

Sec. 13-12-140. Low drains.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the

public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. (Ord. 1271 Art. III §7, 1987)

Sec. 13-12-150. Inspection and connection.

The applicant for the building sewer permit shall notify the Department of Public Works when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Supervisor. (Ord. 1271 Art. III, §10, 1987; Ord. 1589, 1999; Ord. 1735 §2, 2002)

Sec. 13-12-160. Excavations.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. (Ord. 1271 Art. III §11, 1987)

Sec. 13-12-170. Prohibited discharges.

(a) No person shall introduce into the wastewater facilities pollutants which cause or may cause pass-through or interference with the operation or performance of the wastewater facilities.

(b) No person shall discharge or cause to be discharged any of the following described water or wastes or pollutants to any public sewers:

(1) Pollutants which create a fire or explosion hazard in the wastewater facilities, including, but not limited to, wastestreams with a closed-cup flashpoint of less than sixty (60) degrees centigrade (140° Fahrenheit) using the test methods specified in 40 CFR Section 261.21. This includes any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

(2) Pollutants which will cause corrosive structural damage to the wastewater facilities, but in no case discharges with pH lower than 5.0 standard units;

(3) Any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal system, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works;

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities;

(5) Pollutants, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference at the wastewater treatment works;

(6) Wastewater having a temperature higher than one hundred fifty (150) degrees Fahrenheit (65° Celsius), or which will inhibit biological activity in the wastewater treatment plant resulting in interference, but in no case wastewater which causes the temperature at the headworks of the wastewater treatment plant to exceed one hundred four (104) degrees Fahrenheit (40° Celsius);

(7) Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin, but in no case in amounts that will cause interference or pass-through;

(8) Wastewater from industrial plants containing floatable oils, fat or grease;

(9) Any garbage that has not been properly shredded (see Section 13-12-10(18)). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers;

(10) Any specific pollutant that exceeds a local limitation established by the City pursuant to Section 13-12-180;

(11) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Supervisor;

(12) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Supervisor in compliance with any applicable state or federal regulations;

(13) Quantities of flow, concentrations or both, which constitute a *slug* as defined in Section 13-12-10(25);

(14) Water or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;

(15) Any water, wastes or pollutants which, by interaction with other water or waste in the public sewer system, result in the presence of toxic gases or pollutants, vapors or fumes that may cause acute worker health or safety problems, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.

(16) Any trucked or hauled pollutants, except at discharge points designated by the Supervisor; and

(17) Any pollutant, in such a quantity that, by itself or in conjunction with other indirect discharges, results in a violation of stream standards as set by the *Colorado Water Quality Control Commission*.

In addition to the prohibited discharges (Section 13-12-170) and local limits (Section 13-12-180), applicable National Categorical Pretreatment Standards shall be met by all industrial users of the wastewater facilities. (Ord. 1271 Art. IV §§3,4, 1987; Ord. 1735 §3, 2002)

Sec. 13-12-180. Local limits.

(a) The City shall have the authority to develop specific effluent limits for industrial users, and other users, as appropriate, which are necessary to ensure compliance with the City's permit, to protect its sludge reuse and/or disposal practices, to prevent pass-through or interference at the wastewater treatment plant or other interference with the wastewater facility's operation, to implement the prohibited discharge provisions in Section 13-12-170 or to protect worker health and safety.

(b) When requested in writing by the Supervisor, industrial users shall submit data for the development of such specific limits. Specific local limits shall not be developed and enforced without notice (either public notice or written individual notice) to the affected industries, and an opportunity to respond. (Ord. 1735 §3, 2002)

Sec. 13-12-190. Industrial wastewater discharge permits.

(a) When required. No significant industrial user shall discharge wastewater into the wastewater treatment plant without first obtaining an industrial wastewater discharge permit from the Supervisor. The Supervisor may require others to obtain industrial wastewater discharge permits as necessary to carry out the intent of this Article.

(b) Permit applications. All users required to obtain an industrial wastewater discharge permit shall submit a permit application on the form provided by the City. The Supervisor may require users to submit as part of an application all information he/she deems necessary, including information and data on the nature and characteristics of the wastewater.

(c) Permit decision. The Supervisor will evaluate the information furnished by the applicant and may require additional information. Within ninety (90) days of receipt of a complete application, the Supervisor will determine whether or not to issue an industrial wastewater discharge permit. If, in the judgment of the Supervisor, the proposed discharge may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or may otherwise create a hazard to life or constitute a public nuisance, the Supervisor may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge, including the installation of flow equalization facilities; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.
- (5) If the Supervisor requires the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to review and approval of the Supervisor. The Director of Public Works may deny an application for an industrial wastewater discharge permit.

(d) Permit contents. At a minimum, the permit must contain:

- (1) A statement of duration (not to exceed five (5) years);
- (2) A statement of nontransferability;
- (3) Effluent limitations based on the requirements of Sections 13-12-170 and 13-12-180, and any other applicable pretreatment standards;
- (4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency and sample type, based on applicable state, federal and local requirements; and

(5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend any compliance date beyond applicable federal deadlines.

The permit may contain any conditions deemed appropriate by the Supervisor to ensure compliance with this Article and state and federal laws and regulations.

(e) Administrative appeals. The permittee may petition the Director of Public Works in writing to reconsider the terms of an industrial wastewater discharge permit within thirty (30) days of its issuance. Failure to submit a timely written petition for review shall be deemed to be a waiver of the administrative appeal. In its petition, the permittee must indicate the provisions to which it objects, the reasons for this objection, and alternative condition(s), if any, it seeks to have placed in the industrial wastewater discharge permit. The effectiveness of the permit shall not be stayed pending the appeal. If the Director of Public Works fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. The decision of the Public Works Director shall be final.

(f) Permit modifications. The Director of Public Works may modify an industrial wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised federal, state or local pretreatment standards or requirements;

(2) To address significant alterations or additions to the permittee's operation, process or wastewater volume or character;

(3) A change in the City's wastewater facilities that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(4) Information indicating that the permitted discharge poses a threat to the wastewater facilities, workers' health or safety or the receiving waters;

(5) Violations of any terms or conditions of the permit;

(6) Misrepresentations or failure to fully disclose all relevant facts in the application or in any required reporting;

(7) To correct typographical or other errors in the permit; or

(8) To reflect a transfer of ownership or operation.

(g) Permit reissuance. A discharger with an expiring industrial wastewater discharge permit shall apply for permit reissuance by submitting a complete permit application, in accordance with Section 13-12-190(b), a minimum of ninety (90) days prior to the expiration of the discharger's existing industrial wastewater discharge permit. (Ord. 1735 §3, 2002)

Division 4. Use of Public Sewers

Sec. 13-12-200. Prohibitions for discharge of unpolluted waters.

(a) No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, roof runoff, subsurface drainage or cooling water to any sewer; except

stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the Director of Public Works.

(b) Stormwater other than that exempted under Subsection (a) and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Director of Public Works. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Director of Public Works to a storm sewer, combined sewer or natural outlet. (Ord. 1271 Art. IV §§1, 2, 1987; Ord. 1735 §4, 2002)

Sec. 13-12-210. Grease, oil and sand interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Supervisor, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in Subparagraph 13-12-170(b)(8), or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Supervisor and the Colorado State Plumbing Code, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall maintain records of the dates and means of disposal, which are subject to review by the Supervisor. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms. (Ord. 1271 Art. IV §6, 1987; Ord. 1735 §4, 2002)

Sec. 13-12-220. Maintenance of flow-equalization facilities.

Where pretreatment of flow-equalization facilities are provided or required for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense. (Ord. 1271 Art. IV §7, 1987)

Sec. 13-12-230. Pretreatment of industrial wastewater.

(a) Pretreatment facilities. Users shall provide wastewater treatment as necessary to comply with this Article and shall achieve compliance with all national categorical pretreatment standards, the prohibited discharges set out in Section 13-12-170, the applicable local limits set out in Section 13-12-180, the grease control requirements of Section 13-12-210 and any additional permit requirements as allowed under Section 13-12-190 within the time limitations specified by the EPA, the State or the City, whichever are more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Supervisor upon his/her request in writing, and shall be acceptable to the Supervisor before such facilities are constructed. The review of such plans and operating procedures by the Supervisor shall in no way relieve the user from the responsibility of implementing all measures (including modifications to the facilities) necessary to produce a discharge acceptable to the City under the provisions of the ordinance codified herein.

(b) Accidental discharge/slug control plans. The Supervisor may require any user or potential user to develop, submit for approval and implement an accidental discharge/slug control plan.

(c) Dilution prohibited. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Supervisor may impose mass limitations on dischargers as he or she deems necessary.

(d) Installation of monitoring facilities. When required in writing by the Supervisor, the owner of any property serviced by a building sewer carrying industrial or other prohibited wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structures, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Director of Public Works. The structure shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times. (Ord. 1271 Art. IV §8, 1987; Ord. 1735 §4, 2002)

Sec. 13-12-240. Monitoring and reporting requirements.

(a) Requirement to provide information. The Supervisor may require any person to provide information needed to determine compliance with this Article. These requirements may include, but are not limited to:

- (1) Wastewater's discharge average and/or peak rate and volume over a specified time period;
- (2) Chemical or other analyses of wastewaters;
- (3) Information on raw materials, processes and products affecting wastewater volume and quality;
- (4) Quantity and disposition of specific liquids, sludge, oil, solvent or other materials important to sewer use control;
- (5) A plot plan of sewers on the property showing sewer and pretreatment facility location;
- (6) Details of wastewater pretreatment facilities;
- (7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

(b) Reports of potential problems. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, noncustomary batch discharges or slug loads, that may cause potential problems for the City's wastewater facilities, the user shall immediately telephone and notify the Supervisor of the incident. This notification shall include the location of the discharge, type of wastes, concentration and volume, if known, and corrective actions taken by the discharger. Within five (5) days following such a discharge, the user shall submit a written report describing the causes of the discharge and measures taken or to be taken by the discharger to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the wastewater facilities, natural resources or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this Article. A notice shall be permanently posted in a prominent place at a user's facility advising employees whom to call in the event of such a discharge. All employees shall be advised by the employer of the emergency notification procedure.

(c) Reports of violations. If sampling performed by a user indicates a violation, the user must notify the Supervisor by telephone within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Supervisor within thirty (30) days of becoming aware of the violation.

(d) Notification of changed conditions. Each user must notify the Supervisor of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least thirty (30) days before the change.

(e) Notification of the discharge of hazardous waste. Any user who commences the discharge of hazardous waste shall notify the Supervisor and the EPA Regional and State Waste Management Division Directors, in writing, of any discharge into the City's wastewater facilities of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261, in accordance with Colorado Department of Public Health and Environment Pretreatment Regulations, Section 62.13(D)(9).

(f) Wastewater discharge reports. Dischargers shall submit all reports as required by their wastewater discharge permits. If a user monitors any pollutant more frequently than required by the City using the methods prescribed in its permit and in Section 13-12-250, the results of this monitoring shall be included in the report.

(g) Other reports. Users shall comply with all other federal, state and local reporting requirements, including, but not limited to, special requirements for dischargers subject to National Categorical Pretreatment Standards, as specified in the Colorado Department of Public Health and Environment Pretreatment Regulations, Section 62.13(A) through (C).

(h) Recordkeeping. Users subject to the reporting requirements of this Article shall retain, and make available for inspection and copying, all records of information required by this Article (including additional analyses as specified under Section 13-12-240(f) above). Records shall include the date, exact place, method and time of sampling, and the name of the persons taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This retention period shall be automatically extended for the duration of any litigation concerning the discharger and/or the City, or where the discharger has been specifically notified of a longer retention period in writing by the Director of Public Works.

(i) Signatory requirements. All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(Ord. 1271 Art. IV §9, 1987; Ord. 1735 §4, 2002)

Sec. 13-12-250. Measurements, tests and analyses.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Article shall be determined in accordance with the techniques prescribed in 40 C.F.R., Part 136, unless otherwise specified in an applicable national categorical pretreatment standard. If 40 C.F.R., Part 136 does not contain sampling or analytical techniques for a pollutant in question, sampling and analysis must be performed in accordance with procedures approved by the Supervisor. Sampling

methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the Supervisor. (Ord. 1271 Art. IV §10, 1987; Ord. 1735 §4, 2002)

Division 5. Protection of Sewer System

Sec. 13-12-270. Protection from damage.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 1271 Art. V, 1987)

Division 6. Powers and Authority of Inspectors

Sec. 13-12-280. Right of entry.

(a) The Supervisor and other duly authorized representatives of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the wastewater facilities to determine whether the facility is complying with all requirements of this Chapter and any wastewater discharge permit or order issued by the City. The Supervisor shall have the right to set up on the user's property, or require the discharger to install, such devices as are necessary to conduct sampling and/or metering of the operations.

(b) The Supervisor and other authorized representatives of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 1271 Art. VI §§1, 4, 1987; Ord. 1735 §6, 2002)

Sec. 13-12-290. Obtaining information; confidentiality.

The Supervisor or other duly authorized representatives are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs, and from the City's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Supervisor, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user that such information should be held confidential, the portions of a report which might disclose trade secrets on secret processes shall be clearly labeled by the user as "Confidential Business Information," and shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program. Effluent data cannot be recognized as confidential information and will be available to the public without restriction. (Ord. 1271 Art. VI §2, 1987; Ord. 1735 §6, 2002)

Sec. 13-12-300. Inspections; injury liability.

While performing the necessary work on private properties referred to in Subsection 13-12-280(a), the Supervisor or duly authorized representatives of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City representatives. The City shall indemnify the company against loss or damage to its property by City representatives and against liability claims and demand for personal injury or property damage asserted against the company growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 13-12-230. (Ord. 1271 Art. VI §3, 1987; Ord. 1735 §6, 2002)

Division 7. Penalties

Sec. 13-12-310. Administrative enforcement remedies.

(a) Notice of violation. When the Supervisor finds that any person is violating any provision of this Article (except Section 13-12-270), a wastewater discharge permit or order issued pursuant to this Chapter or any other pretreatment standard or requirement, the Supervisor may serve upon that person a written notice of violation stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Supervisor may also require the person to provide a written explanation of the violation and a plan for the satisfactory correction and prevention thereof, within a time frame as specified in the notice of violation. Submission of this plan in no way relieves the person of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this Section shall limit the authority of the Supervisor to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(b) Compliance orders. When the Supervisor finds that a user has violated, or continues to violate, any provision of this Article, a wastewater discharge permit or order issued pursuant to this Chapter, or any other pretreatment standard or requirement, the Supervisor may issue a written compliance order to the user directing the user to come into compliance within a specified time. Compliance orders may direct the user to take appropriate remedial or preventive actions needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the person of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a ban against, or a prerequisite for, taking any other action against the user.

(c) Emergency suspension of service. The Director of Public Works may immediately suspend a user's sewer and/or water service, after informal notice to the user, whenever the Director of Public Works determines such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director of Public Works may also immediately suspend a user's sewer service after notice and opportunity to respond, that threatens to interfere with the operation of the wastewater treatment plant. Any user notified of a suspension shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply with the suspension order, the Director of Public Works may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater facilities, receiving stream or endangerment to any

individuals. The Director of Public Works may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Director of Public Works that the period of endangerment has passed and the user will comply with all provisions of this Article. Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

(d) Termination of discharge and/or revocation of permit. The Director of Public Works may revoke a wastewater discharge permit and/or terminate the discharge for good cause, including, but not limited to, the following reasons:

(1) Failure to notify the Supervisor of significant changes to the wastewater prior to the changed discharge;

(2) Failure to provide prior notification to the Supervisor of changed conditions pursuant to Subsection 13-12-240(d) of this Article;

(3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(4) Falsifying self-monitoring reports;

(5) Tampering with monitoring equipment;

(6) Refusing to allow the Supervisor timely access to the facility premises and records;

(7) Failure to meet effluent limitations;

(8) Failure to pay fines;

(9) Failure to pay sewer charges and fees as specified in Section 13-16-55;

(10) Failure to meet compliance schedules;

(11) Failure to complete a wastewater survey or the wastewater discharge permit application;

(12) Failure to provide advance notice of the transfer of business ownership of a permitted facility;
or

(13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the ordinance codified herein.

(e) Administrative fines. When the Director of Public Works finds that a person has violated, or continues to violate, any provision of this Article, a wastewater discharge permit or order issued pursuant to this Chapter, or any other pretreatment standard or requirement, the Director of Public Works may fine such user in an amount not to exceed three hundred dollars (\$300.00) per day per violation. Each day on which a violation occurs or continues shall be deemed a separate and distinct offense. (Ord. 1271 Art. VII §1, 1987; Ord. 1660 §9, 2000; Ord. 1735 §7, 2002)

Sec. 13-12-320. Judicial enforcement remedies.

(a) If a person violates any requirement of this Article, the City may commence an action for the appropriate legal and/or equitable relief in any court of competent jurisdiction. Said relief may include

injunctive relief, civil penalties and/or criminal prosecution. The remedies provided in this Article shall be in addition to all other remedies provided by law.

(b) Any person who violates any provisions of this Article shall be subject to a civil penalty in an amount not exceeding one thousand dollars (\$1,000.00) for each violation and/or imprisonment not to exceed six (6) months. Each day in which any such violation shall continue shall be deemed a separate violation. In addition, the City shall be entitled to recover reasonable attorney's fees, costs and other expenses of litigation. (Ord. 1271 Art. VII §2, 1987; Ord. 1589, 1999; Ord. 1735 §8, 2002)

Sec. 13-12-330. Liability.

Any person violating any of the provisions of this Chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation. (Ord. 1271 Art. VII §3, 1987; Ord. 1660 §9, 2000)

Division 8. Arbitration of Differences

Sec. 13-12-340. City Manager to arbitrate.

Any differences of opinion with present customers or potential customers concerning user charges, development fees and interpretation of City ordinances or regulations will be arbitrated by the City Manager. The authority of the City Manager is limited in such matters not to include health, safety, welfare and environment. (Ord. 1271 Art. VIII §1, 1987; Ord. 1735 §9, 2002)

Sec. 13-12-350. Hearing before City Council.

If the difference of opinion cannot be resolved by the City Manager, a public hearing before the City Council will be scheduled. Notice of said hearing shall be mailed to the applicable customers no less than ten (10) days before the hearing. The City Council's decision on the question shall be rendered within thirty (30) days after the public hearing. (Ord. 1271 Art. VIII §2, 1987; Ord. 1735 §9, 2002)

ARTICLE 13-16

Sewer Rates

Sec. 13-16-10. Purpose.

The purpose of this Article is to generate sufficient revenue to pay all costs for the operations and maintenance of the complete wastewater system. The costs shall be distributed to all users of the system in proportion to each user's contribution to the total loading of the treatment works. Factors such as strength (BOD and TSS), volume and delivery of flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user (or user class). (Ord. 1270 §1, 1987)

Sec. 13-16-20. Wastewater facilities replacement fund.

A reserve fund called the wastewater facilities replacement fund is established within the wastewater utility fund for the purpose of providing sufficient funds to be expended for obtaining and installing equipment, accessories and appurtenances during the useful life (twenty [20] years) of the wastewater

treatment facilities necessary to maintain the capacity and performance for which such facilities are designed and constructed. (Ord. 1270 §4, 1987)

Sec. 13-16-25. Wastewater plant investment fees and connection charges; schedule.

(a) A wastewater plant investment fee shall be paid for each separate tap to any sanitary sewer line within the City. The amount of the fee shall be based on the size of the water service line. The wastewater plant investment fees shall be as follows:

(1) Single-family, including paired homes, duplexes and single-owner townhouses or condominiums with no organized homeowners' association; commercial; industrial; and other uses not specifically delineated herein:

Three-quarter-inch tap	\$ 4,650.00
One-inch tap	7,635.00
One-and-one-half-inch tap	15,470.00
Two-inch tap	24,752.00
Three-inch tap	49,504.00
Four-inch tap	85,085.00

(2) Multi-family dwellings, including single-owner triplexes and apartment buildings; and condominiums or townhomes with an organized homeowners' association:

First living unit	\$4,650.00
Each additional unit within building	3,147.00

(3) Mobile home parks – per user unit: four thousand six hundred fifty dollars (\$4,650.00).

(4) For any connection greater than two (2) inches, the owner shall provide the City with an acceptable wastewater impact report authored by a registered professional engineer experienced in wastewater services in addition to payment of the wastewater plant investment fee.

(b) A charge in the amount of one hundred dollars (\$100.00) shall be made for each separate four-inch tap made by the City to any line within the City, regardless of whether the wastewater tap is new or whether it is made to replace an existing wastewater connection of the same size. A six-inch tap, regardless of whether the wastewater tap is new or whether it is made to replace an existing wastewater connection of the same size, shall be made by the contractor into a City manhole and paid for by the contractor.

(c) The developer will make all taps in new developments. A twenty-five-dollar inspection fee will be charged for each tap to an existing line.

(d) No new service lines will be provided outside the corporate limits of the City. (Ord. 1542 §9, 1998; Ord. 1606 §2, 1999; Ord. 1727 §3, 2001; Ord. 1766 §3, 2003; Ord. 1788 §2, 2003; Ord 1810 §2, 2004)

Sec. 13-16-30. Determination of total annual costs and maintenance.

The City or the City Manager shall determine the total annual costs of operations and maintenance of the wastewater system which are necessary to maintain the capacity and performance, during the service life of the treatment works, for which such works were designed and constructed. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment

replacement, maintenance, necessary modifications, power, sampling, laboratory tests and a reasonable contingency fund. (Ord. 1270 §2, 1987)

Sec. 13-16-40. Determination of individual wastewater contribution percentage.

(a) The City or the City Manager shall determine for each user or user class the average daily volume of wastewater discharged to the wastewater system for the billing months of December, January and February, which shall then be divided by the average daily volume of all wastewater discharged to the wastewater system to determine such user's volume contribution percentage. The amount used as the total average daily volume of wastewater shall exclude infiltration and inflow.

(b) The minimum flow charge for residential customers is five thousand (5,000) gallons; the maximum flow charge is fifteen thousand (15,000) gallons. The minimum flow charge for any customer that qualifies for a discount as a senior citizen or permanently disabled under Section 13-4-130(3) is three thousand (3,000) gallons; the maximum flow charge is fifteen thousand (15,000) gallons.

(c) New residential accounts shall be charged either the minimum flow charge of five thousand (5,000) gallons or three thousand (3,000) gallons, as applicable, until the average daily volume is calculated the following winter.

(d) All other accounts shall be charged based on actual water usage each month until the following winter when an average daily volume is calculated.

(e) The City or the City Manager shall determine for each user or user class the average daily poundage of five-day twenty-degree Centigrade biochemical oxygen demand (BOD) discharge to the wastewater system to determine such user's BOD contribution percentage. (Ord. 1270 §3(part), 1987; Ord. 1660 §10, 2000)

Sec. 13-16-50. Surcharge for above-average users.

The City or the City Manager will assess a surcharge rate for all nonresidential users discharging wastes with BOD and TSS strengths greater than the average residential user. Such users will be assessed a surcharge sufficient to cover the cost of treating their above-normal strength wastes. (Ord. 1270 §3(part), 1987; Ord. 1542 §10(part), 1998)

Sec. 13-16-55. Pretreatment charges and fees.

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program which may include:

- (1) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (2) Fees for monitoring, inspection and surveillance procedures, including the cost of collecting and analyzing a user's discharge and reviewing monitoring reports submitted by users;
- (3) Fees for reviewing and responding to accidental discharge procedures and construction;
- (4) Fees for filing appeals; and

(5) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Article and are separate from all other fees, fines and penalties chargeable by the City. (Ord. 1735 §10, 2002)

Sec. 13-16-60. Billing for wastewater service charge; discontinuance of service.

The City shall submit monthly statements to the user for the user's wastewater service charge. The wastewater service charge may be included with the monthly water and/or wastewater utility billing. Should any user fail to pay the user wastewater service charge within twenty (20) days of the billing date, the City may stop the wastewater service to the property. (Ord. 1270 §5, 1987; Ord. 1542 §10(part), 1998)

Sec. 13-16-70. Wastewater service charges; rates; notification.

(a) Wastewater service charge. The wastewater service charge for all classifications of users is one dollar and fifteen cents (\$1.15) per month. Every user of the City wastewater system will be charged the monthly wastewater service charge whether matter is discharged into the system or not. This service charge will be added to either the flat wastewater rates as calculated pursuant to either Subsection (b) or Subsection (c) below, as applicable.

(b) Flat wastewater rate — metered water usage. All users of the wastewater system who are metered for water usage will be billed a flat wastewater rate each month, based on the average water usage as reflected in the prior December, January and February water bills. This flat wastewater rate will be set in May of each year and will vary in amount, based on classification. Monthly volume-based rates per one thousand (1,000) gallons of water usage are as follows:

Residential	\$3.63
Commercial	4.42
Municipal	3.63

(c) Flat wastewater rate — nonmetered water usage. Those users of the wastewater system who are not metered for water usage will be billed a flat wastewater rate each month. The flat wastewater rates will vary in amount, based on classification. The monthly flat wastewater rates for nonusers' metered water are as follows:

Residential	\$19.27
Multi-family Number of dwelling units x	19.27
Commercial (discharging restrooms only)	19.60
Commercial (discharging other than restrooms)	39.20

(d) Residential senior citizen and permanently disabled discount. Any resident of the City over the age of sixty (60) years or any permanently disabled resident of the City may apply for a discount on his or her wastewater bill. To be eligible, the applicant must certify on forms provided by the City that the wastewater account is for his or her principal residence, and he or she is either over sixty (60) years of age or permanently disabled. Any applicant who provides false or misleading information on the forms is subject to a one-hundred-dollar penalty that shall be assessed against his or her utility account. The monthly fixed charge for wastewater shall be discounted to a minimum of three thousand (3,000) gallons and a maximum of fifteen thousand (15,000) gallons.

(e) Commercial property — rated based on actual water usage. Any owner of commercial property in the City which receives City wastewater service may request to be billed a wastewater rate based on

actual water usage each month. Such request shall be made annually on forms provided by the City. The effective date for such billing shall be the first full monthly billing after such written request is approved. Monthly volume-based rates per one thousand (1,000) gallons of water usage for approved commercial users shall be as follows:

Commercial	\$4.42
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(f) Commercial property — eligibility for residential rates. Any owner of commercial property in the City which receives City wastewater service may be eligible to be charged residential water and wastewater rates if all of the following conditions are met:

- (1) The entire building is comprised solely of residential units and is occupied more than fifty percent (50%) by persons who own their residences;
- (2) The occupants are paying directly to the homeowners' association the water and wastewater bills for their individual residences;
- (3) The occupants are not paying more for their water and wastewater service than is being charged by the City; and
- (4) The occupants and the homeowners' association have and shall make records available at any time for the City to review and verify the above conditions are true and accurate. If occupants are billed a lump sum each month for several services provided to them (e.g., water, sewer, trash, snow removal, lawn mowing), each charge shall be itemized separately on the occupants' bills.

The effective date for these rates shall be the first full monthly billing after such written application has been approved. A separate application must be submitted for each account. If the City finds, upon review of the records, that any one (1) of the conditions set forth above was not or is not being met, or if the applicant has provided false or misleading information on the application forms, a one-hundred-dollar penalty shall be assessed against the utility account and the entire year's billing shall revert to the commercial classification. (Ord. 1270 §7, 1987; Ord. 1542 §10(part), 1998; Ord. 1566 §4, 1998; Ord. 1660 §11, 2000; Ord. 1729 §4, 2002; Ord. 1766 §4, 2003; Ord. 1792 §1, 2003)

Sec. 13-16-80. Review of wastewater service charge.

The City shall review the total annual cost of operation and maintenance as well as each user's wastewater contribution percentage not less often than every two (2) years and will revise the system as necessary to assure equity of the service charge system established herein and to assure that sufficient funds are obtained to adequately operate and maintain the wastewater treatment works. The City shall apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly. If a significant user, such as an industry, has completed in-plant modifications which would change that user's wastewater contribution percentage, the user can present, at a regularly scheduled meeting of the governing body, such factual information, and the City shall then determine if the user's wastewater contribution percentage is to be changed. The City shall notify the user of its findings as soon as possible. (Ord. 1270 §6, 1987)

ARTICLE 13-20

Stormwater Management Utility

Sec. 13-20-10. Authority and applicability.

(a) The City, as a statutory municipality organized under the laws of the State, has the authority under Sections 31-35-401(6) and 31-35-402(l)(f), C.R.S., as amended, to adopt this Article.

(b) This Article shall apply to all real property within the City limits. (Ord. 1633 §1, 2000)

Sec. 13-20-20. Purpose and intent.

(a) The purpose of this Article is to promote the protection of the public health, safety and welfare from the impact associated with stormwater runoff by requiring property owners in the City to pay for a rational and roughly proportionate share of the costs of the facilities reasonably necessary to manage such stormwater.

(b) It is the intent of the City Council in enacting this Article:

(1) To establish a stormwater impact fee to finance, coordinate, design, construct, manage, operate and maintain the stormwater facilities described herein; and

(2) To establish a reasonable stormwater impact fee based on an analysis of the use of the land located within the City, and the impervious surface, associated therewith.

(c) The City Council further finds, determines and declares that the owners of real property within the City are the ultimate beneficiaries and users of the public facilities contemplated by this Article and should fund and thereby provide the facilities and maintenance capability necessary for the reasonable control of stormwater and management of stormwater and also fund and thereby provide the public facilities required to convey such stormwater from the various drainage basins to the City's major drainageways.

(d) Water from stormwater runoff may occur which exceeds the capacity of public facilities constructed and maintained by funds made available under this Article. This Article does not imply, represent or guarantee that real property for which a stormwater impact fee has been established and paid will at all times be free from stormwater flooding or flood damage. This Article does not purport to reduce the need or the necessity for any property owner to obtain flood insurance. (Ord. 1633 §1, 2000)

Sec. 13-20-30. Definitions.

The following words used in this Article have the following meanings, unless the context clearly indicates otherwise:

(1) *Apartment* means a structure that contains three (3) or more dwelling units, excluding attached dwellings as defined herein.

(2) *Attached dwelling* means dwelling units including duplexes, townhomes, patio homes and condominiums.

(3) *City* means the municipal government for the City of Brighton.

- (4) *Code* means the Brighton Municipal Code, as amended.
- (5) *Drainage basins* means an area tributary to a major drainageway.
- (6) *Dwelling unit* means separate living quarters for one (1) family.
- (7) *EQR* means Equivalent Residential Unit.
- (8) *Facilities* means all structures, equipment and appurtenances, and all uses of land that are made in conjunction with or that are related or incidental to the construction, installation or use of the structures and equipment necessary to contain and control stormwater, including, but not limited to, curbs and gutters; cross pans; pipes; collection, drainage or disposal lines; pump inlets; conduits; channels; bridges; detention/ retention ponds; and all extensions, improvements, remodeling, additions and alterations thereof.
- (9) *Impervious areas* are those areas with impervious surfaces which prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings, and other surfaces that prevent or impede the natural infiltration of the stormwater runoff which existed prior to development.
- (10) *Major drainageways* means a drainage flow path that conveys runoff.
- (11) *Multi-family dwelling* means attached dwellings and apartments.
- (12) *Nonresidential property* means any other real property in the City that is used for other than residential uses, including, but not limited to, commercial, industrial, public, church and school uses.
- (13) *OSP* means Outfall System Plan.
- (14) *Public facilities* means stormwater infrastructure accepted by the City as provided in Section 13-20-50 of this Code.
- (15) *Public park land* means an area permanently dedicated for recreation, aesthetic, educational or cultural use and generally characterized by its natural and landscape features.
- (16) *Public Works Director* means the Public Works Director of the City or designee (the "Director").
- (17) *Residential property* means any real property that is used for residential purposes including, but not limited to, single-family and multi-family dwellings and accessory uses that are customary to residential uses.
- (18) *Single-family dwelling* means detached houses.
- (19) *Stormwater* means runoff caused or created by a storm event.
- (20) *Stormwater impact* means the fee created in this Article for the funding of the Utility.
- (21) *UDFCD* means the Urban Drainage and Flood Control District.

(22) *Utility* means the Stormwater Management Utility that is created in this Article. (Ord. 1633 §1, 2000; Ord. 1769 §1, 2003)

Sec. 13-20-40. Stormwater Management Utility.

(a) There is hereby created a Stormwater Management Utility in the City Department of Public Works under the direction and control of the Director who, through the City Manager, is authorized to implement the provisions of this Article.

(b) The owner of each parcel of real property in the City shall pay the stormwater impact fee prescribed in Section 13-20-60 for the coordination, management, design, construction, management, operation, maintenance and replacement of the Stormwater Management Utility and its facilities. (Ord. 1633 §1, 2000)

Sec. 13-20-50. Use of stormwater impact fee.

(a) The Utility shall hold all funds received by the City under this Article in a separate account to be established as the Stormwater Utility Fund and make expenditures thereof only for the purposes of:

(1) Administration, coordination, engineering, planning, professional services, design, construction, installation, repair, maintenance, operation, management, improvement, replacement or reconstruction of facilities in the City necessary for the Utility to reasonably manage stormwater in the City; and

(2) The purchase of interests in real property including, without limitation, fee simple ownership and easements that may be necessary for the Utility to construct and maintain facilities and otherwise implement the purposes of this Section.

(b) The City may pledge stormwater impact fees collected under this Article and those anticipated to be collected to the retirement of the principal and interest of revenue, general obligation bonds or notes issued by the City for financing any of the activities and improvements set forth in Subsection (a) above.

(c) The City may pledge stormwater impact fees collected under this Article and those anticipated to be collected to participate with the UDFCD or other public entity or private party having a common interest in storm drainage projects or facilities that benefit the Utility. (Ord. 1633 §1, 2000)

Sec. 13-20-60. Stormwater impact fee schedule.

The stormwater impact fee ("fee") shall be in the following amounts:

(1) For all property located within the OSP Area:

a. Single-family residence: three thousand five hundred seventy-five dollars (\$3,575.00) per EQR;

b. Multi-family residence: one thousand seven hundred eighty-eight dollars (\$1,788.00) per EQR;

c. Nonresidential, commercial or industrial: fifty-five cents (\$0.55) per square foot of impervious surface area, including all remodels and/or additions of one thousand (1,000) square feet or more.

(2) For all property located outside the OSP Area:

a. Single-family residence: one thousand three hundred eighty dollars (\$1,380.00);

b. Multi-family residence: six hundred ninety dollars (\$690.00);

c. Nonresidential, commercial or industrial: forty-six cents (\$0.46) per square foot of impervious surface area, including all remodels and/or additions of one thousand (1,000) square feet or more. (Ord. 1633 §1, 2000; Ord. 1668 §1, 2001; Ord. 1769 §2, 2003)

Sec. 13-20-65. Payment and use of stormwater impact fees.

(a) Payment of impact fees. The stormwater impact fee herein adopted shall be due and payable at the time a complete application for a building permit is issued.

(b) Complete application defined. An application shall not be considered complete unless and until:

(1) All of the required information and submittal material, in the amounts and dimensions required by the ordinances, rules, regulations and policies of the City, has been submitted to and received by the Department of Community Development or the Building Official as specified in this Article; and

(2) The Director of Community Development or the Chief Building Official has certified the application as complete. The decision of the Director of Community Development or the Chief Building Official with respect to completeness and applicability of submission requirements shall be final.

(c) Funds for capital improvements. All fees collected pursuant to this Article shall be deposited into the appropriate capital improvement fund of the City and shall be used for the stormwater improvements therein identified. Fees collected from stormwater impact fees shall be used for the purpose of capital improvements to, and expansion or enhancement of, stormwater facilities associated therewith. No such funds shall be used for periodic or routine maintenance of stormwater facilities.

(d) Lien for unpaid fees. All unpaid stormwater impact fees shall be a lien upon each lot or parcel of land within a development from the due date thereof, as set forth herein until paid. If such fees are not paid when due, in addition to any other means provided by law, the City Clerk shall certify such delinquent charges to the treasurer of the county or counties in which the development is located and the fees shall be collected in the same manner as though they were part of the taxes on the property. The City reserves the right to withhold or revoke any permit, certificate or other approval of an applicant or obligor of the fees or other approval to any applicant who is delinquent in the payment of the fees. (Ord. 1769 §3, 2003)

Sec. 13-20-70. Certain land uses exempt from fee.

The following land uses are exempt from payment of the stormwater impact fee:

(1) Public park land and open space;

(2) Public or private ponds, lakes, reservoirs, rivers, creeks, natural water courses or irrigation ditch/canal rights-of way;

- (3) Public or private streets, highways, rights-of-way and alleys;
- (4) Cemeteries; and
- (5) Golf courses. (Ord. 1633 §1, 2000)

Sec. 13-20-80. Review of stormwater impact fee.

The City Council shall review the amount of the stormwater impact fee provided for in this Article from time to time as it deems necessary, and may modify the amount thereof by resolution as part of its annual fee resolution. (Ord. 1633 §1, 2000)